

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00384

Robert Britt,
Plaintiff,

v.

Sheriff Larry Smith et al.,
Defendants.

ORDER

Plaintiff Robert Britt, a former inmate of the Smith County Jail proceeding pro se, filed this civil action complaining of alleged deprivations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love.

The defendants Sheriff Larry Smith and the Smith County Board of Commissioners have previously been dismissed without prejudice upon a finding that plaintiff failed to exhaust his available administrative remedies. The remaining defendant, Smith County Clerk Penny Clarkston, filed a motion for summary judgment asserting that plaintiff failed to set out a constitutional violation. After review of the record, the magistrate judge issued a report recommending that the motion for summary judgment be granted and the lawsuit dismissed. A copy of this report was sent to plaintiff at his last known address but was returned as undeliverable.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendant Penny Clarkston's motion for summary judgment (Doc. 35) is granted and the claims against her are dismissed with prejudice. Because Clarkston is the last remaining defendant in the lawsuit, the case is dismissed in its entirety. Final judgment will be entered accordingly.

So ordered by the court on January 26, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge